

REMARKS

Claims 1 and 3-24 are pending in this application, claims 10-17 having been previously withdrawn. Claims 1, 3-9, and 18-24 are rejected. Claims 1, 8, 18, and 20-23 are amended; claims 10-17 are canceled; and claims 25-33 are added hereby.

Responsive to the rejection of claims 1, 3, 18-20, and 24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,111,939 (Schafer) in view of U.S. Patent No. 5,680,957 (Liu), and to the rejection of claims 8-9 under 35 U.S.C. § 103(a) as being unpatentable over Schafer in view of Liu and further in view of U.S. Patent No. 5,518,139 (Trower et al.), Applicants have amended independent claims 1, 8, and 18. Accordingly, Applicants submit that claims 1, 8, and 18, and claims 3-7, 9, and 19-24 depending respectively therefrom, are now in condition for allowance.

Schafer discloses a stacked structure including a plurality of identical box-like units 10 including rear wall means 18, a flat floor 22, a roof 25, and a front wall means or planar face 26. Units 10 are arranged one atop the other such that each unit presents a front face 26 angled to the vertical in such fashion that front face 26 of each unit forms a dihedral angle with its next lower and next upper unit. That is, the roof and floor of each unit diverge rearwardly and are, thus, nonparallel. The slope of the roof of each unit provides a non-horizontal support for the next higher or second unit, wherein that second unit may be said to have a slight forward "tilt" such that its front face 26 is not coplanar with the front face 26 of the base unit. Nor is the front face 26 of the third unit coplanar with the front face 26 of the second unit (Abstract; column 2, lines 39-50). Front face 26 of the base slopes rearwardly away from a vertical 40 forming an angle D. Front face 26 of the second unit slopes away from a vertical 42 at an angle E. Front face 26 of the third unit slopes away from a vertical 44 by an angle F (Fig. 5). Angle F is less than angle E, and angle E is less than angle D (column 2, lines 61-64). For each unit, the junction of the front face

and the floor forms an angle B which is less than ninety degrees, while the junction of the front face and the roof forms an angle C which is greater than ninety degrees (column 2, lines 67-68). Furthermore, each unit is fixedly adhered floor-to-roof to its neighbor, except as to the floor of the lowermost unit which may be adhered or otherwise affixed to a supporting surface (column 1, lines 48-51).

Liu discloses drawer-type storage bins for stacking one on another. Fig. 2 shows the storage bins stacked but not offset from each other.

Trower et al. discloses a portable storage assembly. The storage assembly includes a bottom tub container 20, a series of at least two trays 22 (bottom tray) and 24 (top tray) which nest one within the other and which collectively nest in the tub container 20, and a cover 26 (Figs. 1 and 3). Bottom tray 22 is held in container 20 by cooperative engagement of peripheral rib 60 of bottom tray 22 and flange 54 defined around the periphery of container 20 (column 3, lines 12-21)(Fig. 8). Similarly, top tray 24 is held in bottom tray 22 by cooperative engagement of circumferential rib 60 of top tray 24 and peripheral rib 60 of bottom tray 22 (column 3, lines 47-57)(Fig. 8).

In contrast, claim 1, as amended, recites in part “a plurality of sterilization cases including a first sterilization case and a second sterilization case, said second sterilization case stacked directly upon said first sterilization case in a vertical direction, said second sterilization case offset from said first sterilization case in a frontward to rearward direction, each of said plurality of sterilization cases being selectively movable between a closed position and an open position, said second sterilization case offset from said first sterilization case in a direction transverse to said vertical direction when each of said first and said second sterilization cases is in said closed position, in said closed position each of said plurality of sterilization cases having a general box shape and including a plurality of walls defining said general box shape, in said closed position

said plurality of walls of each of said plurality of sterilization cases including a top wall and a bottom wall, said top wall and said bottom wall of each of said plurality of sterilization cases being substantially parallel relative to one another in said closed position and substantially horizontal in said closed position, said bottom wall of said second sterilization case at least partially directly contacting said top wall of said first sterilization case when each of said first and said second sterilization cases is in said closed position, said first and said second sterilization cases being substantially identical to one another when each of said first and said second sterilization cases is in said closed position, each of said plurality of sterilization cases including at least one drawer therein selectively slidable from said closed position to said open position in a rearward to frontward direction, said bottom wall of said second sterilization case being offset from said top wall of said first sterilization case in said frontward to rearward direction when each of said first and second sterilization cases is in said closed position." (Emphasis added).

Applicant submits that such an invention is neither taught, disclosed or suggested by Schafer and Liu, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Claim 8, as amended, recites in part "a plurality of sterilization cases including a first sterilization case and a second sterilization case, said second sterilization case offset from said first sterilization case in a frontward to rearward direction, said first sterilization case including at least one handle, said second sterilization case including at least one recessed pocket, at least one said handle interlocking with at least one said recessed pocket when said second sterilization case is stacked directly upon said first sterilization case in a vertical direction, each of said plurality of sterilization cases being selectively movable between a closed position and an open position, said second sterilization case offset from said first sterilization case in a direction transverse to said vertical direction when each of said first and said second sterilization cases is in said closed

position, in said closed position each of said plurality of sterilization cases having a general box shape and including a plurality of walls defining said general box shape, in said closed position said plurality of walls of each of said plurality of sterilization cases including a top wall and a bottom wall, said top wall and said bottom wall of each of said plurality of sterilization cases being substantially parallel relative to one another in said closed position and substantially horizontal in said closed position, said bottom wall of said second sterilization case at least partially directly contacting said top wall of said first sterilization case when said second sterilization case is stacked upon said first sterilization case in a vertical direction and when each of said first and said second sterilization cases is in said closed position, each of said plurality of sterilization cases including at least one drawer therein selectively slidable from said closed position to said open position in a rearward to frontward direction, said bottom wall of said second sterilization case being offset from said top wall of said first sterilization case in said frontward to rearward direction when each of said first and second sterilization cases is in said closed position." (Emphasis added). Applicant submits that such an invention is neither taught, disclosed or suggested by Schafer, Liu, and Trower et al., or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Claim 18, as amended, recites in part "stacking a plurality of sterilization cases including a first sterilization case and a second sterilization case, said second sterilization case stacked directly upon said first sterilization case in a vertical direction; offsetting said second sterilization case from said first sterilization case in a frontward to rearward direction; providing both said first and said second sterilization cases are selectively movable between a closed position and an open position, each of said plurality of sterilization cases including at least one drawer therein selectively slidable from said closed position to said open position in a rearward to frontward direction; providing that in said closed position each of said first and said second sterilization

cases has a general box shape and includes a plurality of walls defining said general box shape, in said closed position said plurality of walls of each of said first and said second sterilization cases including a top wall and a bottom wall, said top wall and said bottom wall of each of said first and said second sterilization cases being substantially parallel relative to one another in said closed position and substantially horizontal in said closed position, said bottom wall of said second sterilization case at least partially directly contacting said top wall of said first sterilization case when said second sterilization case is stacked upon said first sterilization case in a vertical direction and when each of said first and said second sterilization cases is in said closed position; and offsetting said second sterilization case from said first sterilization case in a direction transverse to said vertical direction when each of said first and said second sterilization cases is in said closed position, said first and said second sterilization cases being substantially identical to one another when each of said first and said second sterilization cases is in said closed position, said bottom wall of said second sterilization case being offset from said top wall of said first sterilization case in said frontward to rearward direction when each of said first and second sterilization cases is in said closed position.” (Emphasis added). Applicant submits that such an invention is neither taught, disclosed or suggested by Schafer and Liu, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

The Office Action at page 6 states that “Applicant has not sufficiently limited the claims so that the bottom wall must be considered to be offset from the top wall of the unit stacked upon.” The current amendments to claims 1, 8, and 18 address this. Applicants submit that the figures of Schafer show that the bottom wall of the unit 10 stacked directly on the bottom-most unit 10 is aligned with the top wall of the bottom-most unit 10. Thus, Applicants submit that Schafer fails to disclose a bottom wall of a second sterilization case being offset from a top wall

of a first sterilization case in a frontward to rearward direction when each of the first and second sterilization cases is in a closed position.

Further, the Office Action at page 2 states that “[a]lthough the top and bottom walls are generally horizontal, the top and bottom walls are not parallel or substantially parallel.” The current amendments to claims 1, 8, and 18 provide that the top and bottom walls are substantially horizontal, which is intended to account for manufacturing tolerances. Schafer goes to great lengths to show that the top and bottom walls of the units 10 are not parallel or substantially parallel. Thus, Applicants submit that Schafer also fails to disclose top and bottom walls which are substantially horizontal.

As argued previously, Applicants do not concede as true that that “substantially parallel and fully parallel top and bottom walls and rear and front walls of stacked bins are well known and more typical than top and bottom walls which are slightly skewed from parallel”. Applicants submit that a “bin” is ambiguous. Further, having filed an RCE, Applicants respectfully submit that their prior challenge was timely.

Further as to claim 8, Trower et al. provides a handle 28 and recesses 50, 71, 95, and 55, handle 28. Tray 22 is nested within tub 20. An overlapping flange cooperates with locking flange or projection 61 of cover 26 to thereby lock or engage cover 26 in position. (Column 5, lines 5-8). Further, opening 35 of lateral cross member 33 of handle 28 can align with opening 59 associated with tab 57 of nesting tray 22 such that a padlock can be inserted therethrough to lock the total assembly in a closed condition (column 5, lines 8-13). As such, handle 28 of tub 20 does not positively interlock with recess 71 of tray 22. Thus, Trower et al. fails to disclose a handle of a bottom case interlocking with a recessed pocket of the second case which is stacked directly upon the first case.

An advantage of the present invention is that modular sterilization cases can be stacked upon each other in a self-supporting manner and can be opened by pulling forward drawers of each case, the stacked cases remaining stable when any of the drawers are in either an open or closed position. A further advantage of the present invention, is that two cases stacked directly on one another can be locked together by simply using a handle and recess arrangement provided by the two stacked cases.

For the foregoing reasons, Applicants submit that claims 1, 8, and 18, and claims 3-7, 9, and 19-24 depending respectively therefrom, are now in condition for allowance, which is hereby respectfully requested.

Claims 4-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schafer in view of Liu and further in view of U.S. Patent No. 5,078,460 (Holsinger). However, claims 4-5 depend from claim 1, which is in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 4-5 are also now in condition for allowance, which is hereby respectfully requested.

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schafer in view of Liu and Holsinger and further in view of U.S. Patent No. 6,395,234 (Hunnell et al.). However, claim 6 depends from claim 1, which is in condition for allowance for the reasons given above. Accordingly, Applicants submit that claim 6 is also now in condition for allowance, which is hereby respectfully requested.

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schafer in view of Liu and Holsinger and further in view of Trower et al. However, claim 7 depends from claim 1, which is in condition for allowance for the reasons given above. Accordingly, Applicants submit that claim 7 is also now in condition for allowance, which is hereby respectfully requested.

Claims 21 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schafer in view of Liu and further in view of U.S. Patent No. 4,600,103 (Tabler). However, claims 21 and 23 depend respectively from claims 1 and 18, which are in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 21 and 23 are also now in condition for allowance, which is hereby respectfully requested.

Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schafer in view of Liu and Trower et al. and further in view of Tabler. However, claim 22 depends from claim 9, which is in condition for allowance for the reasons given above. Accordingly, Applicants submit that claim 22 is also now in condition for allowance, which is hereby respectfully requested.

Claims 25-33 have been added to further protect the patentable subject matter of the present invention. Claim 25 recites in part “wherein said second sterilization case is offset from said first sterilization case in said frontward to rearward direction such that said first and second sterilization cases form a stair-stepped stack of said plurality of sterilization cases so as to provide stability to said stair-stepped stack and to offset a center of gravity forward shift of said stair-stepped stack and thereby to prevent tipping of said stair-stepped stack when said drawer of said second sterilization case is slid to said open position.” (Emphasis added). None of the prior art references, alone or in combination, disclose or suggest this patentable feature. Claim 26 recites in part “wherein said second sterilization case is offset from said first sterilization case in said frontward to rearward direction such that said stair-stepped stack is self-supporting when any of said drawers of said plurality of sterilization cases is in said open position.” (Emphasis added). None of the prior art references, alone or in combination, disclose or suggest this patentable feature. Claim 27 recites in part “wherein said second sterilization case is offset from said first sterilization case in said frontward to rearward direction such that said first and second

sterilization cases form a stair-stepped stack of said plurality of sterilization cases so as to provide stability to said stair-stepped stack and to offset a center of gravity forward shift of said stair-stepped stack and thereby to prevent tipping of said stair-stepped stack when said drawer of said second sterilization case is slid to said open position." (Emphasis added). None of the prior art references, alone or in combination, disclose or suggest this patentable feature. Claim 28 recites in part "wherein said second sterilization case is offset from said first sterilization case in said frontward to rearward direction such that said stair-stepped stack is self-supporting when any of said drawers of said plurality of sterilization cases is in said open position." (Emphasis added). None of the prior art references, alone or in combination, disclose or suggest this patentable feature. Claim 29 recites in part "wherein said second sterilization case is offset from said first sterilization case in said frontward to rearward direction such that said first and second sterilization cases form a stair-stepped stack of said plurality of sterilization cases so as to provide stability to said stair-stepped stack and to offset a center of gravity forward shift of said stair-stepped stack and thereby to prevent tipping of said stair-stepped stack when said drawer of said second sterilization case is slid to said open position." (Emphasis added). None of the prior art references, alone or in combination, disclose or suggest this patentable feature. Claim 30 recites in part "wherein said second sterilization case is offset from said first sterilization case in said frontward to rearward direction such that said stair-stepped stack is self-supporting when any of said drawers of said plurality of sterilization cases is in said open position." (Emphasis added). None of the prior art references, alone or in combination, disclose or suggest this patentable feature. Claim 31 recites in part "wherein each of said plurality of sterilization cases includes a front wall, a rear wall, and two opposing side walls, each said drawer including a side wall, each said front wall, rear wall, opposing side walls, and side wall of said drawer defines a plurality of holes configured for permitting sterilization of at least one surgical instrument contained in a

respective said drawer.” (Emphasis added). None of the prior art references, alone or in combination, disclose or suggest this patentable feature. Claim 32 recites in part “wherein each of said plurality of sterilization cases includes a front wall, a rear wall, and two opposing side walls, each said drawer including a side wall, each said front wall, rear wall, opposing side walls, and side wall of said drawer defines a plurality of holes configured for permitting sterilization of at least one surgical instrument contained in a respective said drawer.” (Emphasis added). None of the prior art references, alone or in combination, disclose or suggest this patentable feature. Claim 33 recites in part “wherein each of said plurality of sterilization cases includes a front wall, a rear wall, and two opposing side walls, each said drawer including a side wall, each said front wall, rear wall, opposing side walls, and side wall of said drawer defines a plurality of holes configured for permitting sterilization of at least one surgical instrument contained in a respective said drawer.” (Emphasis added). None of the prior art references, alone or in combination, disclose or suggest this patentable feature.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

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